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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TYRONE D. ROBINSON,
Petitioner,
v.
D. ADAMS,
Respondent.

No. C 06-4196 SI (pr)

ORDER OF DISMISSAL

Tyrone Robinson has filed a petition for writ of habeas corpus to challenge his 1991 murder conviction. This is Robinson's third attempt to challenge the same conviction.

In 1996, Robinson filed a habeas petition to challenge his 1991 murder conviction, Robinson v. Cambra, No. C 96-107 SI. The 1996 petition was denied on the merits in 1998. The Ninth Circuit affirmed the district court's judgment on that earlier petition.

In 2004, Robinson filed another petition for writ of habeas corpus to challenge his 1991 murder conviction, Robinson v. Galaza, No. C 04-449 SI. The court dismissed the petition without prejudice to Robinson filing a second or successive habeas petition after he received petition to do so from the U.S. Court of Appeals for the Ninth Circuit.

On July 18, 2005, the Ninth Circuit denied Robinson's application for authorization to file a second or successive habeas petition in Robinson v. Scribner, 9th Cir. Case No. 05-72466.

Robinson then filed the current habeas petition to once again challenge his 1991 murder conviction. As this court explained in dismissing the 2004 petition, Robinson cannot file another habeas petition in this court unless and until he receives permission to do so from the Ninth

For the Northern District of California

1 Circuit. The Ninth Circuit's rejection of Robinson's request for permission means that this court
2 has no authority to entertain another petition challenging the 1991 murder conviction. See 28
3 U.S.C. § 2244(a) & (b). For this reason, the petition is DISMISSED with prejudice.

4 In light of the dismissal of this action, the requests for an evidentiary hearing and for
5 appointment of counsel are DENIED. (Docket # 2, # 3.)

6 The clerk shall close the file.

7 IT IS SO ORDERED.

8 DATED: August 2, 2006

Susan Illston
SUSAN ILLSTON
United States District Judge

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